

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:18 CR 101
)	
Plaintiff,)	ORDER TO PRODUCE
)	VIDEOTAPE
vs.)	
)	
PHILLIP DEBANDT,)	
)	
Defendant.)	

THIS MATTER comes before the Court on the Defendant's Motion to Produce Videotape pursuant to the Court's generalized authority to regulate discovery and issue protective orders under Fed. R. Crim. P 16 (d)(1). The Defendant is specifically asking the Court to release a copy of an interview with a child witness identified as G.D. The Court being fully advised in the premises, sustains the Defendant's motion and makes the following findings:

1. The Plaintiff is the custodian of a child witness videotape explaining or describing acts recited in the Indictment herein.
2. 18 U.S.C. §3509 provides that child witnesses have certain rights and that no custodian of child witness material shall release it to any other party without a Court Order.
3. Counsel for the Defendant is not associated with a law enforcement agency or other agency authorized to prosecute cases on behalf of the United States, law enforcement or the State of Nebraska and consent to release the videotapes is not an option under the provisions of any law or statute without a Court Order.
4. The videotape is necessary for the preparation of the case and for the Defendant to receive a fair trial.

IT IS THEREFORE ORDERED

1. That the Plaintiff shall release to Counsel for Defendant a copy of the videotape interviews with G.D., a child witness, conducted by the Omaha Police Department through Project Harmony.

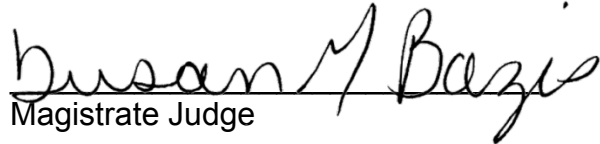
2. The videotapes, or any portions of the videotapes, shall not be reproduced in any form by any person without further Order of this Court.

3. The videotapes may only be viewed by counsel for the Defendant, his paralegal and the Defendant.

3. The videotape may be transcribed by counsel for the Defendant or a paralegal under his direct control and supervision for use in Court.

4. The videotapes produced under this Order and any transcription authorized shall be returned to the representative for the Plaintiff at final disposition of this case.

Dated: June 12, 2018


Magistrate Judge

Prepared and presented by:
Thomas M. Petersen, #20622
Petersen Law Offices
12020 Shamrock Plaza, Suite 105
Omaha, NE 68154
(402) 393-8080

Copy to:
United States Attorney's Office
Mr. Dwight Artis
1620 Dodge Street
Suite 1400
Omaha, NE 68102-1506